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10/587,002	07/20/2006	Yaron Reich	2000/4/1	2951
24101	7590	02/13/2008	EXAMINER	
BRUCE E. LILLING			VAN BRAMER, JOHN W	
LILLING & LILLING PLLC				
P.O. BOX 560			ART UNIT	PAPER NUMBER
GOLDEN BRIDGE, NY 10526			3622	
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		02/13/2008	ELECTRONIC	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

[bruce@lilling.com](mailto:bruce@lilling.com)

<b>Office Action Summary</b>	<b>Application No.</b> 10/587,002	<b>Applicant(s)</b> REICH, YARON
	<b>Examiner</b> John Van Bramer	<b>Art Unit</b> 3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 20 July 2006.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-15 and 22-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-15 and 22-32 is/are rejected.
- 7) Claim(s) 2-6,8-10,12,15,23,25,29 and 30 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08) \_\_\_\_\_  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Objections***

1. Claims 2-6, 9 and 10 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Independent claim 1 is directed towards a method for delivering a weather-related advertisement to an individual. Dependent claims 2-6, 9 and 10 are directed towards a method of receiving information on a mobile device and how that information is displayed. The scope of independent claim 1 does not encompass limitations regarding the device on which the sent data is received or how that data is displayed on the device. As such, claims 2-6, 9, and 10, do not further limit the scope of independent claim 1. The examiner has examined the independent claims as if the applicant intended to claim a method for providing a weather related advertisement to an individual using a wireless device comprising a display screen.
  
2. Claims 8, 13, 15, 23-27, 29, and 30 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Independent claims 1 and 22, are directed towards selecting an advertisement based upon at least one weather condition. However, dependent claims 8, 13, 15,

29, 23, and 25 describe selecting the advertisement using other criteria such as parameters defined by the individual, user preferences, and/or consuming habits. Since none of these criteria are directed towards the weather, the claims do not provide a more narrow limitation of the weather conditions claimed in the independent claims.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 30 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: Independent claim 1 is directed towards a method for delivering a weather-related advertisement to an individual comprising selecting the advertisement and delivering the advertisement. Dependent claim 30 recites determining the efficacy of an advertisement. The examiner is unable to determine how the device is able to determine such efficacy since there is no element of the independent claim which indicates the system is able to receive information in any form. The inability to receive data regarding the efficacy of the advertisement, prevents the claimed limitation of determining the efficacy of the advertisement from occurring.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102  
that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-15 and 22-32 are rejected under 35 U.S.C. 102(b) as being  
anticipated by Smith (PGPUB: US 2002/0188506 A1).

Claims 1-3: Smith discloses a method for delivering a weather-related advertisement  
to an individual, the method comprising:

- a. Selecting the weather-related advertisement according to weather information  
about expected weather conditions, said expected weather conditions being  
related to a geographically confined area and a defined period of time. (Fig. 1;  
Page 2, paragraphs [0024] through [0031]; and Page 5, paragraph [0056]  
through Page 6, paragraph [0067])
- b. Delivering said weather-related advertisement to the individual. (Fig. 1; Page 2,  
paragraphs [0024] through [0031]; and Page 5, paragraph [0056] through Page  
6, paragraph [0067])
- c. Receiving the weather information through a wireless device comprising a  
display screen, and wherein said advertisement is displayed in conjunction with  
said weather information on said display screen. (Fig. 1; Page 2, paragraphs

[0024] through [0031]; and Page 5, paragraph [0056] through Page 6, paragraph [0067])

Claim 4: Smith discloses the method of claim 2, wherein said advertisement is selected according to said wireless device. (Page 3, paragraphs [0033] and [0034])

Claim 5: Smith discloses the method of claim 4, wherein said advertisement is selected according to a physical location of said wireless device. (Fig. 1; Page 2, paragraphs [0024] through [0031]; and Page 5, paragraph [0056] through Page 6, paragraph [0067])

Claim 6: Smith discloses the method of claim 4, wherein said advertisement is selected according to the individual subscribing to said wireless device. (Fig. 1; Page 2, paragraphs [0024] through [0031]; and Page 5, paragraph [0056] through Page 6, paragraph [0067])

Claim 7: Smith discloses the method of claim 21, wherein said advertisement is delivered with said weather information. (Fig. 1; Page 2, paragraphs [0024] through [0031]; and Page 5, paragraph [0056] through Page 6, paragraph [0067])

Claim 8: Smith discloses the method of claim 1, wherein said advertisement is also selected according to a parameter defined by the individual. (Page 3, [0033] through

[0038])

Claim 9: Smith discloses the method of claim 1, wherein the individual receives the weather information through a display, and wherein said advertisement is displayed in conjunction with said weather information on said display. (Fig. 1; Page 2, paragraphs [0024] through [0031]; and Page 5, paragraph [0056] through Page 6, paragraph [0067])

Claim 10: Smith discloses the method of claim 9, wherein said display comprises at least one of a billboard, a hoarding, a sign and a displayed Web page. (Fig. 1; Page 2, paragraphs [0024] through [0031]; and Page 5, paragraph [0056] through Page 6, paragraph [0067])

Claim 11: Smith discloses the method of claim 1, wherein said advertisement is delivered according to at least one rule. (Fig. 1; Page 2, paragraphs [0024] through [0031]; and Page 5, paragraph [0056] through Page 6, paragraph [0067])

Claim 12: Smith discloses the method of claim 11, wherein said advertisement is selected according to a plurality of rules by a rule engine. (Fig. 1; Page 2, paragraphs [0024] through [0031]; and Page 5, paragraph [0056] through Page 6, paragraph [0067])

Claim 13: Smith discloses the method of claim 12, wherein said rule engine comprises a learning engine for learning at least one aspect of the user preference(s) and/or consuming habit(s) according to the weather. (Page 6, paragraphs [0068] through [0070])

Claim 14: Smith discloses the method of claim 1, wherein said advertisement is built according to a scenario determined at least partially according to a prediction of the weather. (Fig. 1; Page 2, paragraphs [0024] through [0031]; and Page 5, paragraph [0056] through Page 6, paragraph [0067])

Claim 15: Smith discloses the method of claim 14, wherein said advertisement comprises a storyboard also built and/or selected according to at least one user preference. (Page 6, paragraphs [0068] through [0070])

Claim 22: Smith discloses A system for providing weather-related advertising to a user through an electronic device, comprising:

- a. A weather server for providing at least one weather related parameter. (Page 6, paragraphs [0068] through [0070])
- b. An advertising rule engine for selecting an advertisement at least partially according to said at least one weather related parameter. (Page 6, paragraphs [0068] through [0070])

c. A server for serving said advertisement to the electronic device. (Page 6, paragraphs [0068] through [0070])

Claim 23: Smith discloses the system of claim 22, wherein said rule engine further comprises a database for storing at least one user characteristic and for selecting said advertisement also according to said user characteristic. (Page 6, paragraphs [0068] through [0070])

Claim 24: Smith discloses the system of claim 23, wherein said rule engine comprises an advertising matrix for selecting said advertisement according to a plurality of rules. (Fig. 1; Page 2, paragraphs [0024] through [0031]; and Page 5, paragraph [0056] through Page 6, paragraph [0067])

Claim 25: Smith discloses the system of claim 24, wherein said rule engine comprises a plurality of target groups and wherein said advertising matrix selects a target group for the end user, such that said advertisement is selected according to said target group. (Fig. 1; Page 2, paragraphs [0024] through [0031]; and Page 5, paragraph [0056] through Page 6, paragraph [0067])

Claim 26: Smith discloses the system of claim 24, wherein said advertising matrix further comprises a story builder for building an advertisement according to a plurality of components. (Fig. 1; Page 2, paragraphs [0024] through [0031]; and

Page 5, paragraph [0056] through Page 6, paragraph [0067])

Claim 27: Smith discloses the system of claim 26, wherein said advertising matrix further comprises an animation matrix for providing a plurality of animated components, such that said plurality of components for building said advertisement comprise animated components. (Page 5, paragraph [0056] through Page 6, paragraph [0067])

Claim 28: Smith discloses the method of claim 1, wherein said weather information is determined according to location-based nowcasting. (Fig. 1; Page 2, paragraphs [0024] through [0031]; and Page 5, paragraph [0056] through Page 6, paragraph [0067])

Claim 29: Smith discloses the method of claim 1, wherein the advertisement is delivered to a plurality of individuals having at least one similar characteristic. (Fig. 1; Page 2, paragraphs [0024] through [0031]; and Page 5, paragraph [0056] through Page 6, paragraph [0067])

Claim 30: Smith discloses the method of claim 13, further comprising: determining efficacy of an advertisement on a consumer activity of the individual by said rule engine. (Page 6, paragraphs [0067] through [0072])

Claim 31: Smith discloses the method of claim 1, wherein said expected weather conditions comprise one or more of a temperature range, effective temperature, humidity, a rain pattern, hail, snow, ice, pollen count, dust level, air pollution level or UV radiation. (Fig. 1; Page 2, paragraphs [0024] through [0031]; and Page 5, paragraph [0056] through Page 6, paragraph [0067])

Claim 32: Smith discloses a method for delivering weather-related content to an individual, the method comprising: selecting the weather-related content according to expected weather conditions, said expected weather conditions being related to a geographically confined area and a defined period of time; and delivering said weather-related content to the individual. (Fig. 1; Page 2, paragraphs [0024] through [0031]; and Page 5, paragraph [0056] through Page 6, paragraph [0067])

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Van Bramer whose telephone number is (571) 272-8198. The examiner can normally be reached on 6am - 4pm Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JV  
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Examiner, Art Unit 3622

/Eric W. Stamber/  
Supervisory Patent Examiner, Art Unit 3622